

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE NAMENDA DIRECT PURCHASER
ANTITRUST LITIGATION

Case No. 1:15-cv-07488-CM (RWL)

**FOREST'S RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO
FILE A REPLY IN FURTHER SUPPORT OF MOTION IN LIMINE NO. 1**

Forest takes no position on Plaintiffs' motion seeking leave to file a reply in further support of their Motion *in Limine* No. 1 to Preclude Forest from Asserting Subjective Beliefs Concerning the '703 Patent (ECF 855). In Forest's Opposition (ECF 853), based on guidance from the Court and Forest's continuing evaluation of the case, Forest proposed a compromise that would streamline the trial and allow the parties to fairly litigate the issues at the heart of the parties' dispute, rather than allowing the jury to hear from Plaintiffs a one-sided account of Forest's subjective beliefs about the strength of the '703 patent and any connection between the Mylan Settlement Agreement and Lexapro Amendment. Forest understands Plaintiffs' position that they would like to file a reply to the extent that reply expresses their disagreement with the proposed compromise. However, Forest also recognizes that this Court disfavors replies in support of motions *in limine*, and that the Court already has a significant volume of briefing addressing the various motions *in limine* filed by both parties.

Dated: June 21, 2019

Respectfully submitted,

Beth Wilkinson
Rakesh Kilaru
Kieran Gostin
WILKINSON WALSH + ESKOVITZ
2001 M Street NW, 10th Floor
Washington, D.C. 20036
Telephone: (202) 847-4000

**Counsel for Defendants Actavis plc,
Forest Laboratories, LLC, Forest
Laboratories, Inc., and Forest
Laboratories Holdings Ltd.**

By: /s/ Martin M. Toto
Martin M. Toto
Heather K. McDevitt
John H. Chung
Michael E. Hamburger
William H. Bave, III
Kristen O'Shaughnessy
Kevin C. Adam
WHITE & CASE LLP
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 819-8200

J. Mark Gidley
Christopher M. Curran
Eric Grannon
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005
Telephone: (202) 626-3600

Heather M. Burke
Eric E. Lancaster
WHITE & CASE LLP
3000 El Camino Real
2 Palo Alto Square, Ste. 900
Palo Alto, CA 94306
Telephone: (650) 213-0300

**Counsel for Defendants Actavis plc,
Forest Laboratories, LLC, Forest
Laboratories, Inc., and Forest
Laboratories Holdings Ltd.**